

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON

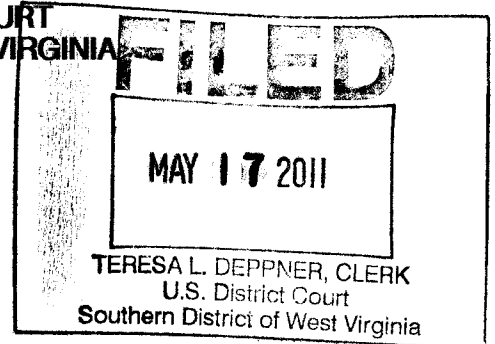
JOHN MOSS, III,

Petitioner,

v.

DAVID BALLARD, Warden,  
Mount Olive Correctional Complex,

Respondent.



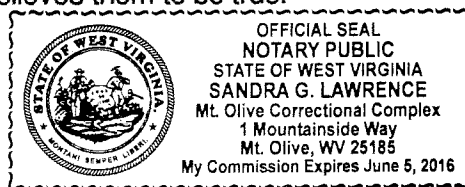
Case No. 2:09-cv-01406

AFFIDAVIT

COMES NOW John Moss, III, and hereby swears, affirms, and makes known, by my signature below:

- 1) The Kanawha County Circuit Court, the Honorable John Hey, did verbally rule from the bench on the defendant's Motion to Suppress Confessions on or about the 12<sup>th</sup> day of October, 1983;
- 2) That I recall that Judge Hey did mention and deny the Motion by ruling on issues pertaining to the West Virginia juvenile prompt presentment rule;
- 3) That defendant's counsel, Parrish McKittrick, did object to the court's ruling, and the court acknowledged the said verbal objections.

Affiant does hereby declare that the foregoing statements are true and correct to the best of his knowledge and belief, except as to those that are known to be based upon information, and as to those, he believes them to be true.



A handwritten signature of John Moss, III, written in dark ink over a horizontal line.

John Moss, III

My commission expires: \_\_\_\_\_

June 5, 2016

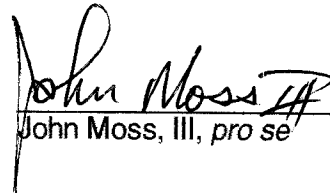
A handwritten signature of Sandra G. Lawrence, written in dark ink over a horizontal line.

Notary Public

CERTIFICATE OF SERVICE

I, John Moss, III, by my signature below, do hereby certify that I served the foregoing May 16, 2011, letter to Magistrate Judge Stanley and Affidavit on the below listed individual(s) this 16 day of May, 2011, by handing true copies of the same to prison officials for deposit in the regular course of the United States Mail, postage prepaid, to the following name and address:

Robert D. Goldberg, Assistant Attorney General  
Office of the Attorney General  
State Capitol Complex  
Building 1, Room E-26  
Charleston, WV 25305-0220

  
John Moss, III, pro se